

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WOLF, *et al.*

Serial No.: 09/479,877

Filed: 10 January 2000

For: TRANSFORMED BACTERIA PRODUCING CS6
ANTIGENS AS VACCINES

Art Unit: 1645

Examiner: Portner, Virginia Allen

Atty. Dckt: 034047.033CON2

RESPONSE TO NOTICE UNDER 37 CFR 1.251 - PENDING APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop: RECONSTRUCTION

Dear Sir:

This is in response to the Office action mailed 12 December 2005, to which the time for response is set to expire 12 March 2006.

The Notice requested FedEx delivery to Linda Wilson, 2900 Crystal Drive, Arlington, VA 22202. **Since the due date expires 12 March 2006, which is a Sunday and a courier such as FedEx does not receive the date of mailing as the date of submission, Applicants are faxing a copy of this Response, Copy of Notice, Transmittal, and the FedEx shipping label (without the reconstructed file documents) to the U.S. Patent & Trademark Office (USPTO) at 571-273-8300.** Therefore, Applicants respectfully submit that this Response is being timely submitted and no extensions of time are necessary.

In response to the Notice of Reconstruction, Applicants hereby submit true and correct copies in descending order of the mail dates of the following:

Reconstruction Notice 12-12-2005
Petition Decision 08-12-2004
Letter to Examiner 07-06-2004
Power of Attorney 07-06-2004
Letter to Examiner 05-06-2004
Response to File Application Papers 04-02-2004
Notice to File Application Papers 03-10-2004
Corrected Filing Receipt 02-05-2004

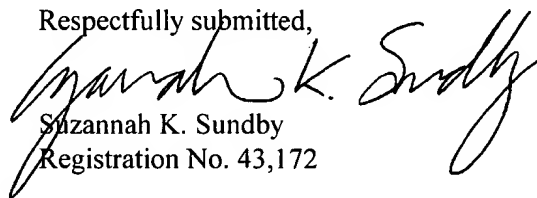
Issue Fee and Publication Fee Transmittal 01-29-2004
Amendment 1.312 01-23-2004
Request Corrected Filing Receipt 01-23-2004
Notice of Allowance and Fees Due 11-03-2003
Response/Amendment 07-28-2003
Office Action 02-26-2003
Office Action 05-15-2002
Response/Amendment 02-25-2002
Sequence Listing Requirement 02-12-2001
Restriction Requirement 10-19-2001
Preliminary Amendment 02-21-2001
Declaration 02-21-2001
Change of Address 06-16-2000
Response to Complete Application Papers 06-16-2000
Notice to File Missing Parts 02-16-2000
Filing Receipt 02-16-2000
Filing transmittal 01-10-2000
Application as filed 01-10-2000

As required in the Notice a copy of the Notice with the appropriate box/statement checked and signature of the undersigned is submitted herewith.

For the convenience of the U.S. Patent & Trademark Office (USPTO) a CDROM containing three Adobe Acrobat files is submitted herewith. Applicants hereby state that the documents on the CDROM are exact copies of the paper copies and this Response, Copy of Notice, Transmittal and FedEx shipping label submitted herewith.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 210-380**, Attorney Docket No. **034047.033CON2**.

Respectfully submitted,



Suzannah K. Sundby
Registration No. 43,172

Date: 10 March 2006
SMITH, GAMBRELL & RUSSELL, LLP
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352
ssundby@sgrlaw.com

In re Application of:

Wolf, Marcia K.

Application No.:

09/479,877

Filing Date:

1/10/2000

Title:

Transformed Bacteria Producing
CS6 Antigens As Vaccines

Direct to:

~~Mail Stop RECONSTRUCTION~~
~~Commissioner for Patents~~
~~P.O. Box 1450~~
~~Alexandria, Virginia 22313-1450~~

Linda Wilson
2200 Crystal Dr. Ste 8D03
Arlington, VA. 22002

NOTICE UNDER 37 CFR 1.251 - Pending Application

Statement (check the appropriate box):

☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☒ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

03-10-2006

Date

Signature

Suzannah K. Sundby

Typed or printed name

Reg. No. 43,172

A copy of this notice should be returned with the reply.

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Smith, Gambrell & Russell, LLP

ATTORNEYS AT LAW

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Established 1893

10 March 2006

FLORIDA OFFICE

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Fax

To: USPTO

From: Suzannah K. Sundby

Fax: (571) 273-8300

Phone:

Date: 10 March 2006

Pages: 5 (including cover page)

In re Application of:

WOLF, *et al.*

Serial No.: 09/479,877

Filed: 10 January 2000

For: TRANSFORMED BACTERIA PRODUCING CS6 ANTIGENS AS
VACCINES

Art Unit: 1645

Examiner: Portner, Virginia Allen

Atty. Dckt: 034047.033CON2

The following are being submitted via facsimile to the United States Patent and Trademark Office on 10 March 2006:

1. Copy of Response to Reconstruction Notice
2. Copy of executed Notice
3. Copy of FedEx Shipping Label

Certificate Mailing or Transmission under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300 on 10 March 2006, by Suzannah K. Sundby

Signed: 



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,877	01/10/2000	MARCIA K. WOLF		3642

7590 12/12/2005

Elizabeth Arwine Patent Attorney
U S Army Medical Research & Materiel Command
504 Scott Street
Fort Detrick, MD 21702-5021

EXAMINER

PORTNER, VIRGINIA ALLEN

ART UNIT PAPER NUMBER

1645

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

USAMRMC
STAFF JUDGE ADVOCATE
FORT DETRICK, MD
2005 DEC 16 PM 3:13

Wilson, Linda P. (USPTO)

From: TrackingUpdates@fedex.com
Sent: Friday, March 10, 2006 6:39 PM
To: Wilson, Linda P. (USPTO)
Subject: FedEx Shipment Notification

This tracking update has been requested by:

Name: 'not provided by requestor'

E-mail: 'not provided by requestor'

Message: USSN 09/479,877

Suzannah Sundby of Smith, Gambrell & Russell, LLP sent Linda Wilson of USPTO - Reconstruction 1 FedEx Standard Overnight package(s).

This shipment is scheduled to be sent on 03/10/2006.

Reference information includes:

Reference: 034047.033CON2

The tracking number(s) is (are)
792682849146

To track the status of this shipment online, please use the following:
<https://www.fedex.com/fedexiv/us/findit/nrp.jsp?tracknumbers=792682849146&language=en&opco=FX&clienttype=ivshpalrt>

To learn more about FedEx Express, please visit our website at [fedex.com](https://www.fedex.com).

This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and [fedex.com](https://www.fedex.com)'s terms of use, go to [fedex.com](https://www.fedex.com).

Disclaimer

FedEx has not validated the authenticity of any email address.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of:

Wolf, Marcia K.

Application No.:

09/479,877

Filing Date:

1/10/2000

Title:

Transformed Bacteria Producing
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Arlington, VA. 22002

NOTICE UNDER 37 CFR 1.251 - Pending Application

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- ☐ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.
- ☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).
- ☐ The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.
- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date

Signature

Typed or printed name**A copy of this notice should be returned with the reply.**

Burden Hour Statement: This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

NOTICE UNDER 37 CFR 1.251 - Pending Application

☒ The file of the above-identified application cannot be located after a reasonable search. Therefore, the Office is initiating the reconstruction of the file of the above-identified application pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of applicant's record (if any) of all of the correspondence between the Office and applicant for the above-identified application (except for U.S. patent documents), a list of such correspondence, and a statement that the copy is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and whether applicant is aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

☐ The following paper(s) pertaining to the above-identified application cannot be located after a reasonable search:

Therefore, the Office is initiating the reconstruction of such paper(s) pursuant to the provisions of 37 CFR 1.251.

Applicant is given a period of **THREE (3) MONTHS** from the mailing date of this notice within which to provide a copy of the paper(s) listed above and a statement that the copy of such paper(s) is a complete and accurate copy of applicant's record of such paper(s).

Alternatively, applicant may reply to this notice by producing applicant's record (if any) of all of the correspondence between the Office and the applicant for the above-identified application for the Office to copy (except for U.S. patent documents), and provide a statement that the papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), whether applicant is aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records. Such records must be brought to the Customer Service Center in the Office of Initial Patent Examination (Crystal Plaza 2, 2011 South Clark Place, Arlington, VA 22202).

If applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application (or any copy of the paper(s) listed above), applicant must reply to this notice by providing a statement that applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Failure to reply to this notice in a timely manner will result in abandonment of the above-identified application. The three-month period for reply to this notice may be extended (up to a maximum of six months) under the provisions of 37 CFR 1.136(a). However, failure to reply within this three-month period will result in a reduction of any patent term adjustment. See 37 CFR 1.704(b).

☒ A printout from PALM of the contents of the file of the above-identified application is included with this notice.

Direct the reply to this notice to:

To avoid further delays, please
we can email like - DEK

Direct questions concerning this notice to:

Mail Stop ~~RECONSTRUCTION~~
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Linda Wilson

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Linda Wilson
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